

L. MITCHELL JONES (U.S.B. 5979)  
Assistant Attorney General  
JOHN E. SWALLOW (U.S.B. 5802)  
Attorney General  
Commercial Enforcement Division  
Heber M. Wells Building  
PO Box 146741  
Salt Lake City, UT 84114-6741  
Telephone: (801) 366-0310

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**BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**OF THE DEPARTMENT OF COMMERCE**  
**OF THE STATE OF UTAH**

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IN THE MATTER OF THE LICENSE OF	)	
<b>MOUNTAIN LAND, INC</b>	)	<b>STIPULATION AND ORDER</b>
TO OPERATE AS A	)	
CONTRACTOR	)	CASE NO. DOPL 2013-60
IN THE STATE OF UTAH	)	

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**MOUNTAIN LAND, INC** ("Respondent") and the Construction Services Commission ("Commission") of the Department of Commerce of the State of Utah stipulate and agree as follows:

1. Respondent admits the jurisdiction of the Commission and the Division of Occupational and Professional Licensing ("Division") over Respondent and over the subject matter of this action. Arend Visser is the owner of Respondent company and is authorized to act as agent for and enter into binding agreements on behalf of Respondent company. In this Stipulation and Order, the term "Respondent" shall mean both Mountain Land, Inc, and Arend Visser, individually and collectively.

2. Respondent acknowledges that Respondent enters into this Stipulation knowingly and voluntarily.

3. Respondent understands that Respondent has the right to be represented by counsel in this matter and Respondent's signature below signifies that Respondent has either consulted with an attorney or Respondent waives Respondent's right to counsel in this matter.

4. Respondent understands that Respondent is entitled to a hearing before the Commission, or other Presiding Officer, at which time Respondent may present evidence on Respondent's own behalf, call witnesses, and confront adverse witnesses. Respondent acknowledges that by executing this document Respondent hereby waives the right to a hearing and any other rights to which Respondent may be entitled in connection with said hearing. Respondent understands that by signing this document Respondent waives all rights to any administrative and judicial review as set forth in Utah Code Ann. §§ 63G-4-301 through 63G-4-405 and Utah Administrative Code R151-46b-12 through R151-46b-15. Respondent and the Division hereby express their intent that this matter be resolved expeditiously through stipulation as contemplated in Utah Code Ann. § 63G-4-102(4).

5. Respondent waives the right to the issuance of a Petition and a Notice of Agency Action in this matter.

6. Respondent acknowledges that this Stipulation and Order, if adopted by the Commission and Division, will be classified as a public document. The Commission and Division may release this Stipulation and Order, and will release other information about this disciplinary action against Respondent's license to other persons and entities.

7. Respondent admits the following facts are true:

- a. Arend Vesher was an owner of Get The Best Inc, which was first licensed as a contractor in the State of Utah on or about October 5, 2009
- b. Get The Best Inc is currently delinquent for outstanding judgments in the amounts of \$10,000 due to Scott & Bonnie Risley entered on or about June 19, 2012; \$9,092.93 due to Dream Works Inc. entered on or about October 17, 2012; \$7,655.81 due to Brian and Amy Furse entered on or about January 23, 2013; and a fine due to the Division entered on or about June 21, 2012.
- c. Arend Vesher subsequently resigned and relinquished ownership in Get The Best Inc, and has represented to the Division that the financial and misconduct issues associated with Get The Best Inc., as described in paragraph 7b above were due to mismanagement of other owners of Get The Best Inc, and was the reason for his resignation and relinquishment of ownership.
- d. Respondent submitted an application for licensure on or about September 7, 2012 which was granted by the Division on or about December 18, 2013.
- e. On the initial application for license, filed with the Division on or about December 18, 2012, Respondent made a misrepresentation to the Division in answering Question 3a by claiming that all judgments and tax liens had been paid by Respondent, its owners, or for any business in which the owner or qualifier has been an owner during the last 5 years.

8. Respondent admits that Respondent's conduct described above is unlawful conduct as defined in Utah Code Ann. § 58-1-501(1)(e) and § 58-55-501(9) and unprofessional conduct as defined in Utah Code Ann. § 58-1-501(2)(a) and § 58-55-502(1); and that said conduct justifies disciplinary action against Respondent's license pursuant to Utah Code Ann. § 58-1-401(2)(a) and (b). Respondent understands that the issuance of the Order in this matter is disciplinary action by the Division against Respondent's license pursuant to Utah Administrative Code R156-1-102(6) and Utah Code Ann. § 58-1-401(2). Respondent agrees that an Order shall be entered in this matter as follows:

- (1) Respondent shall pay an administrative penalty of \$500.00 (five-hundred dollars) to the Division, pursuant to Utah Code Ann. § 58-55-503, within 30 days of the effective date of this Stipulation and Order.
- (2) Respondent's license shall be subject to a term of probation for a period of two years. The period of probation shall commence on the effective date of this Stipulation and Order, which is the date the Division Director signs the Order. During the period of probation, Respondent shall be subject to all of the following terms and conditions: If the Commission or Division later deems any of the conditions unnecessary such deletions may be made by an amended order issued unilaterally by the Commission or Division.
  - a. Respondent shall meet with the Commission or a Division compliance specialist on a quarterly basis, or at such other greater or lesser frequency as determined by the Division, for the duration of the Stipulation and Order.
  - b. Respondent shall provide the Division with the following documents on a quarterly basis:
    - (i) a current copy of an Experian Business Profile business credit report for Mountain Land Inc;
    - (ii) a personal credit report for Arend Visher; and
    - (iii) if any of the credit reports provided indicate any negative items not previously reported, then Respondent shall additionally provide full written details of the negative items on the credit reports; and
  - c. Respondent shall provide the Division with the following documents on an annual basis, or at such other greater or lesser frequency as determined by the Commission and Division, for the duration of the Stipulation and Order:
    - (i) a business income tax return for Mountain Land Inc;
    - (ii) a personal income tax return for Arend Visher; and
    - (iii) a current financial statement for Mountain Land Inc
  - d. Respondent shall immediately notify the Division of Respondent's failure to pay any financial obligation that is 60 days past due. The notification shall state to whom the obligation is owed, the amount past due, and the date the obligation, including any penalties and interest, is expected to be fully paid.

- e. Respondent shall notify the Division within 10 days after any collection lawsuit, judgment or tax lien is filed against the Respondent.
- f. Respondent shall maintain an active license at all times during the period of this agreement.
- g. Respondent shall immediately notify the Division in writing of any change in Respondent's business address.
- h. Respondent shall be responsible for payment of all costs associated with this Stipulation and Order. Failure of Respondent to pay the costs associated with this Stipulation and Order constitutes a violation of this Stipulation and Order.
- i. If Respondent has still not demonstrated financial responsibility as set forth in Utah Code Ann. § 58-55-306 at the end of the probationary period, the Division may take appropriate action against Respondent. The period of probation shall be tolled while any petition alleging unlawful or unprofessional conduct is pending.

9. This Stipulation and Order, upon approval by the Commission and Division Director, shall be the final compromise and settlement of this non-criminal administrative matter. Respondent acknowledges that the Commission and Director are not required to accept the terms of this Stipulation and Order and that if the Commission or Director does not do so, this Stipulation and the representations contained therein shall be null and void, except that the Commission, Director, and the Respondent waive any claim of bias or prejudgment Respondent might have with regard to the Commission and Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification.

10. Respondent agrees to abide by and comply with all applicable federal and state laws, regulations, rules and orders related to the Respondent's licensed practice. If the Division files a Petition alleging that Respondent has engaged in new misconduct or files an Order to Show Cause Petition alleging that Respondent has violated any of the terms and conditions contained in this Stipulation and Order, the period of Respondent's probation shall be tolled

during the period that the Petition or Order to Show Cause Petition has been filed and is unresolved.

11. This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or agreements between the parties regarding the subject of this Stipulation and Order. There are no verbal agreements that modify, interpret, construe or affect this Stipulation. Respondent agrees not to take any action or make any public statement, that creates, or tends to create, the impression that any of the matters set forth in this Stipulation and Order are without factual basis. A public statement includes statements to one or more Commission or Board members during a meeting of the Commission or Board. Any such action or statement shall be considered a violation of this Stipulation and Order.

12. The terms and conditions of this Stipulation and Order become effective immediately upon the approval of this Stipulation and signing of the Order by the Commission and Division Director. Respondent must comply with all the terms and conditions of this Stipulation immediately following the Commission and Division Director's signing of the Order page of this Stipulation and Order. Respondent shall complete all the terms and conditions contained in the Stipulation and Order in a timely manner. If a time period for completion of a term or condition is not specifically set forth in the Stipulation and Order, Respondent agrees that the time period for completion of that term or condition shall be set by the Commission. Failure to complete a term or condition in a timely manner shall constitute a violation of the Stipulation and Order and may subject Respondent to revocation or other sanctions.

13. Respondent understands that the disciplinary action taken by the Division in this Stipulation and Order may adversely affect any license that Respondent may possess in another

state or any application for licensure Respondent may submit in another state.

14. If Respondent violates any term or condition of this Stipulation and Order, the Commission may take action against Respondent, including imposing appropriate sanction, in the manner provided by law. Such sanction may include revocation or suspension of Respondent's license, or other appropriate sanction.

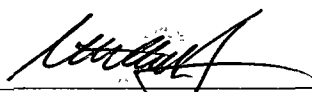
15. Respondent has read each and every paragraph contained in this Stipulation and Order. Respondent understands each and every paragraph contained in this Stipulation and Order. Respondent has no questions about any paragraph or provision contained in this Stipulation and Order.

DIVISION OF OCCUPATIONAL &  
PROFESSIONAL LICENSING

BY:   
DAN S. JONES  
Bureau Manager

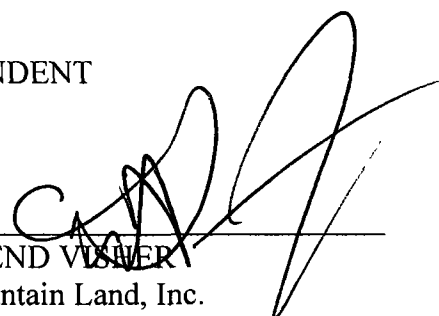
DATE: 6-3-13

JOHN E. SWALLOW  
ATTORNEY GENERAL

BY:   
L. MITCHELL JONES  
Counsel for the Division

DATE: 3 Jun 2013

RESPONDENT

BY:   
AREND VISSER  
Mountain Land, Inc.

DATE: 5/24/13

## ORDER

THE ABOVE STIPULATION, in the matter of **MOUNTAIN LAND, INC**, is hereby approved by the Construction Services Commission, and constitutes its Findings of Fact and Conclusions of Law in this matter. The issuance of this Order is disciplinary action pursuant to Utah Administrative Code R156-1-102(6) and Utah Code Ann. § 58-1-401(2). The terms and conditions of the Stipulation are incorporated herein and constitute the Commission's final Order in this case.

DATED this 26 day of June, 2013.

  
CONSTRUCTION SERVICES COMMISSION  
Representative

I concur with the above Stipulation and Order, which the Construction Services Commission has approved.

DATED this 24 day of June, 2013.

DIVISION OF OCCUPATIONAL AND  
PROFESSIONAL LICENSING

  
for MARK B. STEINAGEL  
Director